

Declaration, Petition and Power of Attorney

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO  
*STREPTOCOCCUS PNEUMONIAE* FOR DIAGNOSTICS AND THERAPEUTICS

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim the priority benefits under 35 U.S.C. of § 120 of any application(s) for patent or inventor's certificate listed below. All foreign applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed are also identified below.

**PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED**

| <u>COUNTRY</u> | <u>APPLICATION NO.</u> | <u>DATE OF FILING</u> |
|----------------|------------------------|-----------------------|
| US             |                        | May 12, 1998          |
| US             |                        | July 2, 1997          |

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information know to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

POWER OF ATTORNEY: As named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: James B. Lampert Reg. No. 24,564, Wayne M. Kennard Reg. No. 30,271, Michael J. Bevilacqua Reg. No. 31,091, Holly L. Baker Reg. No. 31,321, Henry N. Wixon Reg. No. 32,073, Donald R. Steinberg Reg. No. 37,241, Wayne A. Keown Reg. No. 33,923, Ann-Louise Kerner Reg. No. 33,523, Michael A. Diener Reg. No. 31,122, Colleen Superko Reg. No. 39,850, Richard Goldenberg Reg. No. 38,895, Gretchen A. Rice Reg. No. 37,429, Peter Dichiaro Reg. No. 38,005, Scott M. Alter Reg. No. 32,879 and Edward Grieff Reg. No. 38,898

all of the firm of HALE AND DORR LLP 60 State Street, Boston, Massachusetts 02109

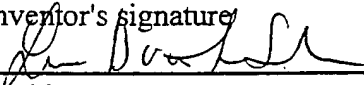
and,

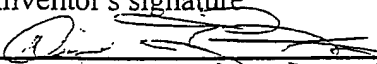
Pamela D. Ariniello, Reg. No. 40,489

of GENOME THERAPEUTICS CORPORATION, 100 Beaver Street, Waltham, MA 02453  
with full power of substitution and revocation to prosecute this application and to  
transact all business in the Patent and Trademark Office connected therewith.

|  |                                       |
|--|---------------------------------------|
| Send Correspondence to:  | Direct Telephone Calls to:            |
| Pamela D. Ariniello, Esq.<br>Genome Therapeutics Corp.<br>100 Beaver Street<br>Waltham, MA 02154 | Pamela D. Ariniello<br>(781) 398-2392 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|   |                 |
|---|-----------------|
| Full name of sole or first inventor<br>Lynn A. Doucette-Stamm   |                 |
| Inventor's signature<br> | Date<br>6/30/98 |
| Residence<br>14 Flanagan Drive, Framingham, MA 01701  |                 |
| Citizenship<br>Canada   |                 |
| Post Office Address (if different)  |                 |

|   |                 |
|---|-----------------|
| Full name of second inventor<br>David Bush  |                 |
| Inventor's signature<br> | Date<br>6/30/98 |
| Residence<br>205 Holland Street, Somerville, MA 02144   |                 |
| Citizenship<br>United States of America   |                 |
| Post Office Address (if different)  |                 |

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Genome Therapeutics Corporation

Application No./Patent No.: Divisional of 09/107,433

Entitled: Nucleic Acid and Amino Acid Sequences Relating to *Streptococcus Pneumoniae* for  
Diagnostics and Therapeutics

Genome Therapeutics Corporation, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- ☒ the assignee of the entire right, title, and interest; or  
☐ an assignee of less than the entire right, title and interest  
The extent (by, percentage) of its ownership is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

A ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010210, Frame 0892, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:


1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

7/6/03  
\_\_\_\_\_  
Date

Stephen Cohen  
\_\_\_\_\_  
Typed or printed name  
  
\_\_\_\_\_  
Signature  
Sr. Vice President and CFO  
\_\_\_\_\_  
Title

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lynn Doucette-Stamm and David Bush

Divisional of Application No.: 09/107,433, Filed: June 30, 1998

For: NUCLEIC ACID AND AMINO ACID SEQUENCES  
RELATING TO *STREPTOCOCCUS PNEUMONIAE* FOR  
DIAGNOSTICS AND THERAPEUTICS

|   |
|---|
| Date: <i>July 10, 2003</i>                    |
| EXPRESS MAIL LABEL NO. <u>EL 442001705 US</u> |

REVOCATION OF POWERS OF ATTORNEY AND APPOINTMENT OF  
NEW ATTORNEYS AND/OR AGENTS

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

Genome Therapeutics Corporation, a Corporation duly organized under the laws of the Commonwealth of Massachusetts, is the assignee of the entire right, title and interest in the above-identified divisional application. Genome Therapeutics Corporation hereby appoints the attorneys and/or agents associated with

Nina L. Pearlmutter, Registration No.: 35,639  
Robert L. Spadafora, Jr., Registration No.: 46,197  
Genome Therapeutics Corporation  
100 Beaver Street  
Waltham, Massachusetts 02453

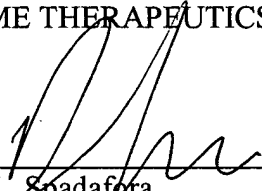
to prosecute the above-identified application and any divisions or continuations thereof and to conduct all business in the United States Patent and Trademark Office. All previously granted Powers of Attorney are hereby revoked.

Statement under 37 C.F.R. §3.73(b) is submitted herewith.

All correspondence should be sent to Robert L. Spadafora, Genome Therapeutics Corporation, 100 Beaver Street, Waltham, Massachusetts 02453. Please direct all telephone calls to Robert L. Spadafora, 781-398-2300 and all facsimile communication to 781-398-2530.

Respectfully submitted,

GENOME THERAPEUTICS CORPORATION

By   
Robert L. Spadafora  
Registration No. 46,197  
Telephone (781) 398-2300  
Facsimile (781) 398-2530

Waltham, Massachusetts 02453

Dated:

7/1/03